

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley	
Date: 8/20/2010	Case Number 1:09-cr-270
Case Style: USA vs. Thomas Creighton Shrader	
Type of hearing Criminal Jury Trial - Day Three	
Before the honorable: 2516-Berger	
Court Reporter Lisa Cook	Courtroom Deputy Kierstin Tudor
Attorney(s) for the Plaintiff or Government Thomas Ryan & John File	
Attorney(s) for the Defendant(s) Christian Capece & George Lancaster	
Law Clerk Chris Miller	Probation Officer

Trial Time

Jury Trial. Day No. 3

Non-Trial Time

Court Time

9:09 am to 9:55 am  
12:30 pm to 2:15 pm  
10:28 am to 11:04 am  
3:11 pm to 3:17 pm  
Total Court Time: 3 Hours 13 Minutes Court actively conducting trial proceedings/Contested proceedings

Courtroom Notes

Scheduled Start 9:00 a.m.  
Actual Start 9:09 a.m.  
[Bluefield case; trial held in Beckley]

Defendant present in person and by counsel.  
Government notes its intention to rest.  
Government Exhibit 4 admitted.  
Court takes judicial notice of certain facts.  
Mr. Capece argues for judgment of acquittal on behalf of Defendant.  
Mr. Ryan responds on behalf of Government.  
Court makes findings but defers ruling until the Government rests before the jury.  
Court advises Defendant of his rights, including his right to remain silent.  
Jury brought in.  
Government rests.  
[Outside of jury presence] Court DENIES Defendant's motion for judgment of acquittal.  
Defendant calls ELIZABETH JONES; oath given.  
Direct by Mr. Capece.

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Defense rests.  
Jury excused.  
Mr. Capece renews motion for judgment of acquittal; motion DENIED.  
Court takes recess at 9:55 a.m.

Court resumed at 10:28 a.m.  
Defendant present in person and by counsel.  
Court goes over proposed jury instructions with counsel.  
Jury brought in and excused for lunch.  
Court takes recess at 11:04 a.m.

Court resumed at 12:30 p.m.  
Defendant present in person and by counsel.  
Jury brought in.  
Court reads final jury instructions to jury.  
Court instructs jury re: matters for which Court has taken judicial notice.  
Mr. File begins closing argument on behalf of Government.  
Mr. Capece makes closing argument on behalf of Defendant.  
Mr. Ryan concludes closing argument on behalf of Government.  
Alternate juror excused.  
Jury excused to deliberate at 2:13 p.m.  
Court takes recess at 2:15 p.m.

Court resumed at 3:11 p.m.  
Defendant present in person and by counsel.  
Jury brought in.  
Jury has reached verdict.  
Court inspects verdict and reads same aloud:  
    As to Count One, the jury finds the Defendant GUILTY;  
    As to Count Two, the jury finds the Defendant GUILTY.  
Jury polled.  
Jury excused.  
Court sets sentencing for November 18, 2010, at 10:00 a.m.  
Defendant remanded.  
Court adjourned at 3:17 p.m.